

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

ROSALIE SMITH,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:05CV00033 AGF
)	
THE HANNIBAL CLINIC, INC.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's motion to appoint counsel. Plaintiff has filed a pro se complaint under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5, and other employment discrimination statutes. There is no constitutional right for a pro se plaintiff to have counsel appointed in a civil case, although the Court has discretion to appoint an attorney to handle such a case when necessary. In re Lane, 801 F.2d 1040, 1043-44 (8th Cir. 1986). Among the factors a court should consider in making this determination are the factual complexity of the case; the ability of the plaintiff to investigate the facts and present his claim; the complexity of the legal issues; and to what degree the plaintiff and the court would benefit from such an appointment. Id.

The Eighth Circuit has identified three additional factors relevant to the appointment of counsel in Title VII actions: (1) the plaintiff's financial resources, (2) the plaintiff's efforts to secure counsel, and (3) the merits of the discrimination claim. Slaughter v. City of Maplewood, 731 F.2d 587, 590 (8th Cir. 1984).

Upon review of the file and the relevant factors, the Court concludes that appointment of counsel is not warranted at this time. Should Plaintiff seek the

appointment of counsel at a later stage in the proceedings, she will be required to provide the Court with a sworn statement itemizing what efforts she has made to obtain legal counsel, providing the names of attorneys with whom she has discussed representation and the dates and results of such discussions. In addition she will have to submit an affidavit listing her financial assets; a form for such affidavit may be obtained from the Clerk's Office.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion to appoint counsel is **DENIED** without prejudice. [Doc. #3].

Dated this 28th day of June, 2005.



AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE